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FACSIMILE COVER SHEET

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GROUP 1600

TO:

Examiner Elizabeth F. McElwain

Group 1638

FIRM NAME:

U.S. Patent and Trademark Office

OFFICIAL

FACSIMILE NUMBER:

(703) 308-4242

FROM:

Donna M. Ferber

RE:

USSN: 09/837,751

Our Docket No.45-00

MESSAGE:

Transmitted herewith:

Request for Reconsideration of Requirement for Restriction

If transmission is unclear or incomplete, please telephone (303) 499-8080 immediately and ask for Brenda, or fax 303-499-8089.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

: Group Art Unit: 1638

Serial No. 09/837,751

: Examiner: Elizabeth F. McElwain

Filed:

Allen et al.

April 18, 2001

: Confirmation No.: 8897

For:

METHOD OF MODIFYING THE CONTENT OF COTTONSEED OIL

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the Paton, and Trademark Office, No. 703-308-4242

9 May 2003

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REQUEST FOR RECONSIDERATION OF REQUIREMENT FOR RESTRICTION

Commissioner for Patents P.O. Box 1450 Arlington, VA 22313-1450

Sir:

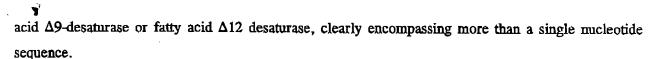
In response to the Office Action mailed April 9, 2003, Applicants respectfully request reconsideration of the requirement for restriction and the present remarks.

The Requirement for Restriction

The Patent Office has alleged that the response filed January 21, 2003 was not fully responsive to the requirement for restriction. The Office acknowledged Applicant's election of the claims of Group VI for examination but states that the Applicant has filed to elect a single nucleotide sequence.

The Patent Office has incorrectly alleged that the original claims of Group VI were not drawn to more than one nucleotide sequence, but that the claims presented in January 2003 are drawn to more than one sequence. Applicants respectfully note that originally filed claim1 includes sequences encoding fatty





Without making any acquiescence that the synonymous nucleotide sequences encoding the amino acid sequence set forth in SEQ ID NO:4 represent more than a single invention, Applicants elect (with traverse) the single nucleotide sequence set forth in SEQ ID NO:3 for examination. Applicants respectfully request that the Patent Office withdraw the requirement for restriction in that election of a single amino acid sequence and a single nucleotide sequence encoding same is required, so that at a minimum, synonymous codings are encompassed by the claim.

Applicants take this opportunity to state on the record that the present invention methods of modifying the oil content of cotton seeds by the use of at least 20 nucleotides of the fatty acid $\Delta 12$ desaturase gene, and transgenic cotton plants and seed comprising that sequence.

Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested. If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

It is believed that this response does not requirement the payment of any fees pursuant to 37 C.F.R. 1.16-1.17. If this is incorrect, please deduct any fee due under the foregoing Rules from Deposit Account No. 07-1969.

Respectfully submitted,

Donna M. Ferber Reg. No. 33,878

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Attorney docket No.45-00

bmk: May 9, 2003